



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-1308/P4

ALL:kjf:jf

Wm is run

DOA:.....Frederick, BB0334 - Domestic Partnership Registry

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

pp 1 + 62

do not get it

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

OTHER STATE GOVERNMENT

This bill establishes a domestic partnership registry in the Office of the Secretary of State (secretary) and provides the requirements for registering and terminating a domestic partnership. Under the bill, a domestic partnership that may be registered with the secretary may be entered into by two individuals who are at least 18 years old and who are not married or in another state-registered domestic partnership. The individuals must share a common residence, they may not be nearer of kin than second cousins, and they ~~may~~ be members of the same or opposite sex. To register the domestic partnership, the individuals file with the secretary a declaration that is signed by both individuals and notarized and present documentary proof of identification and residence. The secretary then issues a certificate of state-registered domestic partnership to each of the parties, who are then state-registered domestic partners (domestic partners).

To terminate a state-registered domestic partnership, at least one of the domestic partners must file with the secretary a notice of termination of state-registered domestic partnership, which must be signed by one or both of the domestic partners and notarized. If only one of the domestic partners signs the notice, he or she must also file an affidavit stating either of the following: 1) that he or she has served the other domestic partner with notice that he or she is going to file

must

X

a notice of termination of state-registered domestic partnership; or 2) that he or she has been unable to locate the other domestic partner and has published a notice in a newspaper of general circulation in the county in which the latest common residence of the domestic partners is located. Upon receipt of a notice of termination, or a notice and an affidavit, the secretary issues a certificate of termination of state-registered domestic partnership to each domestic partner. The termination of the state-registered domestic partnership is effective 90 days after the notice is filed with the secretary. However, if one or both domestic partners enters into a marriage that is valid in the state, the state-registered domestic partnership is automatically terminated on the date of the marriage.

The secretary must prepare the forms to be used for the declaration of state-registered domestic partnership and notice of termination of state-registered domestic partnership and must distribute the forms to county clerks. The forms must be available at the secretary's office, at county clerks' offices, and on the Internet. The secretary must provide copies of all declarations and notices of termination that are filed with the secretary to the state registrar, who must maintain records of the copies. The secretary must also by rule set the fees that individuals must pay for filing declarations and notices of termination.

Under current law, if persons named as owners in a document of title or as transferees or buyers in an instrument of transfer are described as husband and wife or are in fact husband and wife, the owners, transferees, or buyers are joint tenants. The bill provides that domestic partners are also joint tenants if they are named as owners in a document of title or as transferees or buyers in an instrument of transfer.

Under current law, if the head of a department or independent agency in state government finds any arbitrary discrimination on the basis of marital status, the head is required to take remedial action. This bill requires a department or independent agency head to take remedial action if he or she finds any arbitrary discrimination on the basis of domestic partnership status.

COMMERCE AND ECONOMIC DEVELOPMENT

BUILDINGS AND SAFETY

Under current law, Commerce collects a supplemental title fee in connection with applications for the transfer of ownership of a manufactured home. This fee is waived for the transfer of a decedent's interest in a manufactured home to his or her surviving spouse. Also, under current law, with an exception, Commerce must transfer a decedent's interest in a manufactured home to his or her surviving spouse upon receipt of the title executed by the surviving spouse and a statement by the spouse that includes specified information.

Under this bill, a domestic partner is provided the same privileges as a surviving spouse for purposes of these manufactured home transfer provisions.

EMPLOYMENT

Under current worker's compensation law, when death results from an injury sustained by an employee while performing services growing out of and incidental to employment, the employee's dependents, including a spouse who is living with the employee at the time of death, are entitled to a death benefit. This bill extends death

benefits under the worker's compensation law to a domestic partner of a deceased employee who is living with the deceased employee at the time of death.

Under current law, an employee of an employer employing 50 or more individuals on a permanent basis may take up to six weeks of family leave in a 12-month period to care for a child, spouse, or parent of the employee, or the parent of the spouse of the employee, who has a serious health condition. This bill permits such an employee to take family leave to care for a domestic partner, or the parent of a domestic partner, who has a serious health condition.

Under current law, if an employee to whom wages are due dies, the employer must, upon demand, pay the wages to the spouse, children, or other dependent living with the employee at the time of death. The employer may, before an application is filed for the administration of the deceased employee's estate, make that payment to the spouse, children, parents, or siblings of the deceased employee, giving preference in that order listed. Similarly, if an employee who is required to furnish a cash bond dies, the employer may, before an application is filed for the administration of the deceased employee's estate, withdraw the cash bond and turn it over to the spouse, children, parents, or siblings of the deceased employee, giving preference in that order listed. This bill requires an employer of a deceased employee who was required to furnish a cash bond or to whom wages are due to turn over the cash bond or pay the wages to the domestic partner of the deceased employee.

Under current law, no employer, labor organization, employment agency, licensing agency, or other person may discriminate in employment on the basis of marital status, which is defined as the status of being married, single, divorced, separated, or widowed. This bill prohibits employment discrimination on the basis of domestic partnership status.

RETIREMENT AND GROUP INSURANCE

The bill provides that domestic partners must be treated in the same manner as spouses with respect to all pension benefits provided to public employees who are covered under the Wisconsin Retirement System and all other benefits provided to state employees.

For purposes of these benefits, however, a "domestic partner" is defined as any individual who is in a relationship with any other individual that satisfies all of the following:

1. Each individual is at least 18 years old and otherwise competent to enter into a contract.
2. Neither individual is married to, or in a domestic partnership with, another individual.
3. The two individuals are not related by blood in any way that would prohibit marriage under current law.
4. The two individuals consider themselves to be members of each other's immediate family.
5. The two individuals agree to be responsible for each other's basic living expenses.

PUBLIC ASSISTANCE

Under a program in current law, DHS provides subsidies to eligible persons to pay premiums for health insurance provided through the person's employer if the person's employment has been terminated or his or her hours have been reduced or he or she is on medical leave because of an illness or condition related to a human immunodeficiency virus (HIV) infection. DHS may provide the subsidies even if the insurance covers the person's spouse and dependants. The bill provides that DHS may also provide the subsidies if the insurance covers the person's domestic partner.

LOCAL LAW

Under current law, a local governmental unit (which includes a city, village, town, county, school district, sewerage district, and drainage district) may provide health and life insurance for employees, officers, and their spouses and dependent children. Under this bill, such coverage may also be provided for an employee's and officer's domestic partner and dependent children.

Under current law, no person may discriminate in housing on the basis of marital status, and political subdivisions of this state are permitted to enact ordinances prohibiting such discrimination. This bill prohibits housing discrimination on the basis of domestic partnership status and permits political subdivisions to enact ordinances prohibiting such discrimination.

HEALTH AND HUMAN SERVICES

OTHER HEALTH AND HUMAN SERVICES

Currently, all patient health care records are confidential and, with numerous exceptions, may be released only to persons with the written, informed consent of the patient or of a person authorized by the patient. A "person authorized by the patient" is, for an adult, the patient's guardian, a person authorized in writing by the patient, or the agent under the patient's power of attorney for health care. For a deceased patient, the patient's personal representative or spouse is the person authorized by the patient. If no spouse survives a decedent, an adult member of the deceased patient's immediate family is the person authorized by the patient. The authorization permits inspection and receipt of copies of the patient's health care records. The bill authorizes a domestic partner of a deceased patient to be the person authorized by the patient for purposes of release of the patient's health care records.

Under current law, an individual's treatment records (records of services for mental illness, developmental disability, alcoholism, or drug dependence) generally are confidential and privileged to the individual, but may be released without informed written consent under numerous circumstances. Under one of the circumstances, a spouse, parent, adult child, or sibling who is directly involved in providing care to or monitoring the treatment of an individual may, upon request, receive certain limited information from the individual's mental illness or developmental disability treatment records. Under another circumstance, the parent, child, sibling, or spouse of an individual who is a patient at a public or private treatment hospital, a law enforcement officer, or a mental health professional may receive certain information about the location of the individual, unless the individual has requested that the information be withheld or there is reasonable cause to

believe that the information would result in danger to the individual. The bill authorizes the domestic partner of an individual who is receiving treatment for mental illness or developmental disability to receive information from the treated individual's treatment records and about the individual's location.

Currently, certain persons, in a specified order of priority, may consent to admission directly to a hospice or directly from a hospital to a nursing home or community-based residential facility (C-BRF) of an incapacitated individual who does not have a valid power of attorney for health care and has not been adjudicated incompetent. The priority for these persons in relationship to the incapacitated individual is spouse; adult child; parent; adult sibling; grandparent or adult grandchild (for admission to a nursing home or C-BRF); and adult close friend. Consent for admission may not be made if the individual, or certain persons within the order of priority, objects. The bill classifies an incapacitated individual's domestic partner in the same priority as a spouse for the purpose of admitting the individual to a nursing home, C-BRF, or hospice.

Under current law, if both spouses are residents of the same nursing home or C-BRF, they may be permitted to share a room, unless medically contraindicated. The bill permits the sharing of a room by both domestic partners if both are residents of the same nursing home or C-BRF.

The bill requires a hospital, nursing home, C-BRF, certified or licensed adult family home, residential care apartment complex, or hospice that has a policy on visiting patients to extend the same right of visitation to a patient's domestic partner as is accorded the spouse of a patient under the policy.

Currently, a health care power of attorney and a durable power of attorney for finances under which the principal's agent is his or her spouse is terminated if the marriage is annulled or ends in divorce. This bill terminates a health care power of attorney and a durable power of attorney for finances under which the principal's agent is his or her domestic partner if the domestic partnership is terminated.

Currently, a person's health care provider may not serve as the person's health care agent unless the health care provider is also a relative of the person. Also, a person's relative may not serve as a witness to the execution of the person's power of attorney for health care. A person's power of attorney for health care takes effect upon a finding by two physicians, or a physician and a psychologist, that the person is incapacitated. A person's relative may not make this finding of incapacity. The bill provides that a domestic partner is a relative for activities related to a power of attorney for health care.

Currently, certain reasonably available persons may, under a specified order of priority, make a donation of all or part of another's body near or upon the donor's death (anatomical gift) for use in transplantation or other purposes. The priority in authority for these persons in relationship to the donor is agent under a health care power of attorney, spouse, adult child, parent, adult sibling, adult grandchild, grandparent, adult who has exhibited special care and concern for the donor, guardian, and any other person who has authority to dispose of the individual's body. An anatomical gift may not be made by any of these persons if the decedent has made an unrevoked refusal to donate or if a majority of members in the same class in

priority objects. The bill classifies the decedent's domestic partner in the same priority as a spouse for the purpose of making an anatomical gift of the decedent's body or part of the decedent's body.

COURTS AND PROCEDURE

CIRCUIT COURTS

Under current law, no person who is qualified and able to serve as a juror may be excluded from that service on the basis of marital status. This bill prohibits exclusion from jury service on the basis of domestic partnership status.

OTHER COURTS AND PROCEDURE

This bill defines a "surviving domestic partner" as a person who was the domestic partner of the decedent at the time of the decedent's death, and mirrors the definition of "surviving spouse" by excluding a person who was the domestic partner of the decedent and who sought a termination of the domestic partnership, if the secretary failed to issue a valid certificate of termination for the domestic partnership, unless the person and the decedent subsequently registered as domestic partners or held themselves out as domestic partners. The bill further excludes from the definition of surviving domestic partner persons who were the domestic partner of the decedent but have subsequently married a third person or have registered a domestic partnership with a third person, or a person who was a party to a proceeding that concluded with an order terminating the person's property rights based on the domestic partnership.

This bill establishes that in probate cases, the following rights for the surviving domestic partner of a decedent are equivalent to the rights of a surviving spouse:

1. The surviving domestic partner of a decedent who dies intestate is entitled to inherit all of the decedent's estate unless the decedent had children that were not also the children of the surviving domestic partner, in which case the surviving domestic partner receives half of the intestate estate.

2. A surviving domestic partner may petition the court for the full property interest the decedent had in a home, subject to payment to the estate of the value of that interest the surviving domestic partner is not entitled to under a governing instrument or under intestacy, within one year from the decedent's death.

3. If a decedent executed his or her will before the registration of the domestic partnership, the surviving domestic partner is entitled to a share of the decedent's estate equivalent to what the share would be if the decedent died intestate, subject to certain reductions, unless the will was executed in contemplation of the domestic partnership or was intended to apply notwithstanding the decedent subsequently entering into a domestic partnership.

4. A surviving domestic partner may petition the probate court for an allowance for support, but the court may order that sum be charged against interest or principal from the estate to which the surviving domestic partner is entitled and the court may apply that allowance against amounts owed for assuming the decedent's full interest in a home. The court may distribute a special allowance for support of the surviving domestic partner even if the distribution of such an allowance would harm the interests of a creditor, after performing a balancing test of the needs of the surviving domestic partner versus the needs of the creditor.

5. A surviving domestic partner may select from the estate certain personal and household items and may be entitled to household items necessary for the maintenance of the home, notwithstanding that those items were bequeathed to another heir.

6. A surviving domestic partner may petition the court to set aside an amount for his or her support of up to \$10,000 in value that will be exempt from the claims of the estate's creditors.

7. If the value of the decedent's estate, less the amounts of debt secured by property of the estate, does not exceed \$50,000, a surviving domestic partner may settle the estate under summary procedures without the need to appoint a personal representative of the estate.

Under current law, a court reviewing a settlement or monetary judgment for the plaintiff in a wrongful death action may set aside an amount of up to 50 percent of the net settlement or judgment, after deducting collection costs, for the support of the decedent's surviving spouse or minor children. Current law permits a surviving spouse or other relatives allowed to bring a wrongful death action to satisfy and discharge the claims of the estate in settling the wrongful death claims of the surviving spouse or other relative. This bill allows the decedent's surviving domestic partner to file an action for wrongful death, to petition the court to set aside amounts of up to 50 percent of the net settlement or judgment of the wrongful death claims for the support of the domestic partner, and to discharge the claims of the estate in settling the domestic partner's wrongful death claims.

Under current law, a person has the right to evoke the spousal privilege and prevent the person's current or former spouse from testifying about private communications between the spouses or former spouses, subject to certain exclusions. This bill allows a person to prevent the person's current or former domestic partners from testifying about private communications between the domestic partners or former domestic partners, subject to the same exclusions.

CRIMES

Current law prohibits a person from claiming, as a defense in a criminal case, that he or she was coerced to do the criminal act by his or her spouse. Under this bill, no person may claim coercion by his or her registered domestic partner as a defense in a criminal case.

Under current law, no one may harbor a felon from law enforcement, except that a person who is the spouse or other family member of the felon may not be prosecuted for harboring him or her. Under the bill, no one who is the registered domestic partner of a felon may be prosecuted for harboring him or her.

Under current law, an enhanced penalty is imposed on a person who commits certain criminal acts against a family member, including a spouse, of a victim, judge, or witness in a case against the person or against a family member, including a spouse, of a revenue employee, or of an employee of the departments of commerce or workforce development. This bill imposes the same enhanced penalty on a person who does or threatens to do any of the following:

1. Stalk, commit battery against, intimidate, or damage the property of, a registered domestic partner of a victim or witness to a crime.

2. Commit battery against or damage the property of a registered domestic partner of a judge or an employee of the departments of revenue, workforce development, or commerce.

Under current law, a person who commits certain acts against a person who is a spouse, former spouse, other parent of the person's child, or with whom the person formerly lived is guilty of committing domestic violence. Current law provides assistance to victims of domestic violence and imposes enhanced penalties and restrictions on a person who commits an act of domestic violence against his or her spouse or former spouse. Current law also allows for a person who commits certain acts of domestic violence to enter into a deferred prosecution for the acts if the person complies with conditions imposed under the deferred prosecution agreement. This bill expands the definition of a victim of domestic violence to include a registered domestic partner or a former registered domestic partner.

Current law provides certain rights to victims of crime and their family members, including spouses, before, during, and after the criminal prosecution of the person who committed the crime against the victim. These rights include the right to cooperation by law enforcement agencies, to attend court hearings involving the person who committed the crime against the victim, to be kept informed of developments in the case, including plea bargain offers, and to read an impact statement at the sentencing hearing of the person who committed the crime. This bill affords all of the rights conferred on the spouses of victims to the registered domestic partners of victims.

Current law requires that a victim of a crime or his or her family members be notified when a person who committed a crime against the victim is released from prison or a mental institution, applies or qualifies for release to probation or extended supervision from prison or a mental institution, applies for a pardon, or escapes from a prison. This bill includes a domestic partner as a member of a victim's family who is entitled to the same notice given to family members under current law.

Current law also allows DOJ to grant compensation to the spouse of a person who is killed or injured while trying to prevent a crime, trying to detain a criminal, or trying to assist a crime victim or a law enforcement officer. This bill allows a domestic partner to receive the same compensation that a spouse receives under current law.

TAXATION

OTHER TAXATION

Under current law, the transfer of real property between spouses is exempt from the real estate transfer fee. Under the bill, the transfer of real property between an individual and his or her domestic partner is exempt from the real estate transfer fee.

TRANSPORTATION

DRIVERS AND MOTOR VEHICLES

Under current law, DOT collects a supplemental vehicle title fee in connection with applications for certificates of title for new vehicles and for vehicles the ownership of which has been transferred. However, this fee is waived for transfer

of a decedent's interest in a vehicle to his or her surviving spouse. Also under current law, with an exception, DOT must transfer a decedent's interest in a vehicle to his or her surviving spouse upon receipt of the title executed by the surviving spouse and a statement by the spouse that includes specified information.

Under this bill, a domestic partner is provided the same privileges as a surviving spouse for purposes of these motor vehicle transfer provisions.

NATURAL RESOURCES

OTHER NATURAL RESOURCES

Under current law, with an exception, DNR must transfer a decedent's interest in a boat to his or her surviving spouse upon receipt of the title executed by the surviving spouse and an affidavit by the spouse that includes specified information.

Under this bill, a domestic partner is provided the same privileges as a surviving spouse for purposes of these boat transfer provisions.

INSURANCE

The bill authorizes fraternal benefit societies to provide insurance coverage to the domestic partners of fraternal members. Under current law, only members and their spouses and financially dependent children may be covered.

Under current law, no insurer may cancel or refuse to issue or renew an automobile insurance policy because of a person's marital status. This bill prohibits an insurer from cancelling or refusing to issue or renew such a policy on the basis of domestic partnership status.

EDUCATION

HIGHER EDUCATION

Under current law, no student may be denied admission to, participation in, or the benefits of any service, program, course, or facility of the University of Wisconsin System or of the Technical College System because of the student's marital status. This bill prohibits such denial on the basis of a student's domestic partnership status.

OCCUPATIONAL REGULATION

Under current law, a mortgage broker, banker, or loan originator or a real estate broker, salesperson, or time-share salesperson may not treat a person unequally solely because of marital status. This bill prohibits those individuals from treating a person unequally solely because of domestic partnership status.

Because this bill relates to an exemption from state or local taxes, it may be referred to the Joint Survey Committee on Tax Exemptions for a report to be printed as an appendix to the bill.

Because this bill relates to public employee retirement or pensions, it may be referred to the Joint Survey Committee on Retirement Systems for a report to be printed as an appendix to the bill.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 15.04 (1) (g) of the statutes is amended to read:

2 15.04 (1) (g) *Discrimination review.* In order to determine whether there is any
3 arbitrary discrimination on the basis of race, religion, national origin, sex, marital
4 or domestic partnership status, as defined in s. 111.32 (12), or sexual orientation, as
5 defined in s. 111.32 (13m), examine and assess the statutes under which the head has
6 powers or regulatory responsibilities, the procedures by which those statutes are
7 administered, and the rules promulgated under those statutes. If the department
8 or agency head finds any such discrimination, he or she shall take remedial action,
9 including making recommendations to the appropriate executive, legislative, or
10 administrative authority.

11 **SECTION 2.** 30.50 (3n) of the statutes is created to read:

12 30.50 (3n) "Domestic partner" means a state-registered domestic partner
13 under s. 770.05.

14 **SECTION 3.** 30.541 (3) (d) 2. a. of the statutes is amended to read:

15 30.541 (3) (d) 2. a. The department shall transfer the decedent's interest in a
16 boat to his or her surviving spouse or domestic partner upon receipt of the title
17 executed by the surviving spouse or domestic partner and an affidavit signed by the
18 spouse or domestic partner that includes the date of death of the decedent; the
19 approximate value and description of the boat; and a statement that the spouse or
20 domestic partner is personally liable for the decedent's debts and charges to the
21 extent of the value of the boat, subject to s. 859.25.

1 **SECTION 4.** 30.541 (3) (d) 2. d. of the statutes is amended to read:

2 30.541 (3) (d) 2. d. The limit in subd. 2. c. does not apply if the surviving spouse
3 or domestic partner proceeds under s. 867.03 (1g) and the total value of the decedent's
4 property subject to administration in the state, including boats transferred under
5 this subdivision, does not exceed \$50,000.

6 **SECTION 5.** 36.12 (1) of the statutes is amended to read:

7 36.12 (1) No student may be denied admission to, participation in, or the
8 benefits of, or be discriminated against in any service, program, course, or facility of
9 the system or its institutions because of the student's race, color, creed, religion, sex,
10 national origin, disability, ancestry, age, sexual orientation, pregnancy, marital or
11 domestic partnership status, or parental status.

12 **SECTION 6.** 38.23 (1) of the statutes is amended to read:

13 38.23 (1) No student may be denied admission to, participation in or the
14 benefits of, or be discriminated against in any service, program, course or facility of
15 the board or any district because of the student's race, color, creed, religion, sex,
16 national origin, disability, ancestry, age, sexual orientation, pregnancy, marital or
17 domestic partnership status, or parental status.

18 **SECTION 7.** 40.02 (2m) of the statutes is amended to read:

19 40.02 (2m) "Alternate payee" means a former spouse or domestic partner of a
20 participant who is named in a qualified domestic relations order as having a right
21 to receive a portion of the benefits of the participant.

22 **SECTION 8.** 40.02 (8) (a) 2. of the statutes is amended to read:

23 40.02 (8) (a) 2. In the absence of a written designation of beneficiary, or if all
24 designated beneficiaries who survive the decedent die before filing with the
25 department a beneficiary designation applicable to that death benefit or an

1 application for any death benefit payable, the person determined in the following
2 sequence: group 1, surviving spouse or surviving domestic partner; group 2, children
3 of the deceased participant, employee or annuitant, in equal shares, with the share
4 of any deceased child payable to the issue of the child or, if there is no surviving issue
5 of a deceased child, to the other eligible children in this group or, if deceased, their
6 issue; group 3, parent, in equal shares if both survive; group 4, brother and sister in
7 equal shares and the issue of any deceased brother or sister. The shares payable to
8 the issue of a person shall be determined per stirpes. No payment may be made to
9 a person included in any group if there is a living person in any preceding group, and
10 s. 854.04 (6) shall not apply to a determination under this subsection.

11 **SECTION 9.** 40.02 (20) of the statutes is amended to read:

12 40.02 (20) "Dependent" means the spouse, domestic partner, minor child,
13 including stepchildren of the current marriage or domestic partnership dependent
14 on the employee for support and maintenance, or child of any age, including
15 stepchildren of the current marriage or domestic partnership, if handicapped to an
16 extent requiring continued dependence. For group insurance purposes only, the
17 department may promulgate rules with a different definition of "dependent" than the
18 one otherwise provided in this subsection for each group insurance plan.

19 **SECTION 10.** 40.02 (21c) of the statutes is created to read:

20 40.02 (21c) "Domestic partner" means an individual in a domestic partnership.

21 **SECTION 11.** 40.02 (21d) of the statutes is created to read:

22 40.02 (21d) "Domestic partnership" means a relationship between 2
23 individuals that satisfies all of the following:

24 (a) Each individual is at least 18 years old and otherwise competent to enter
25 into a contract.

1 (b) Neither individual is married to, or in a domestic partnership with, another
2 individual.

3 (c) The 2 individuals are not related by blood in any way that would prohibit
4 marriage under s. 765.03.

5 (d) The 2 individuals consider themselves to be members of each other's
6 immediate family.

7 (e) The 2 individuals agree to be responsible for each other's basic living
8 expenses.

9 **SECTION 12.** 40.02 (25) (b) 3. of the statutes is amended to read:

10 40.02 (25) (b) 3. The surviving spouse or domestic partner of an employee, or
11 of a retired employee, who is currently covered by health insurance at the time of
12 death of the employee or retired employee. The spouse or domestic partner shall
13 have the same right to health insurance coverage as the deceased employee or retired
14 employee, but without state contribution, under rules promulgated by the secretary.

15 **SECTION 13.** 40.08 (8) (a) 4. of the statutes is amended to read:

16 40.08 (8) (a) 4. The former spouse or domestic partner of a participant who is
17 an alternate payee and whom the department cannot locate by reasonable efforts,
18 with such efforts beginning by the end of the month in which the participant attains,
19 or would have attained, the age of 65, shall be considered to have abandoned all
20 benefits under the Wisconsin retirement system on the date on which the participant
21 attains, or would have attained, the age of 70. The department shall close the
22 alternate payee's account and shall transfer the moneys in the account to the
23 employer accumulation reserve. The department shall restore the alternate payee's
24 account and shall debit the employer accumulation reserve accordingly if the

1 alternate payee subsequently applies for retirement benefits under this chapter
2 before the participant attains or would have attained the age of 80.

3 **SECTION 14.** 40.08 (9) of the statutes is amended to read:

4 **40.08 (9) PAYMENTS OF BENEFITS TO MINORS AND INDIVIDUALS FOUND INCOMPETENT.**

5 In any case in which a benefit amount becomes payable to a minor or to an individual
6 adjudicated incompetent, the department may waive guardianship proceedings, and
7 pay the benefit to the person providing for or caring for the minor, or to the spouse
8 or domestic partner, parent, or other relative by blood or adoption providing for or
9 caring for the individual adjudicated incompetent.

10 **SECTION 15.** 40.23 (4) (e) of the statutes is amended to read:

11 **40.23 (4) (e) 1.** Subject to subds. 2. to 4., if a participant dies before the
12 distribution of benefits has commenced and the participant's beneficiary is the
13 spouse or domestic partner, the department shall begin the distribution within 5
14 years after the date of the participant's death.

15 2. If the spouse or domestic partner files a subsequent beneficiary designation
16 with the department, the payment of the distribution may be deferred until the
17 January 1 of the year in which the participant would have attained the age of 70.5
18 years.

19 3. If the spouse or domestic partner does not apply for a distribution, the
20 distribution shall begin as an automatic distribution as provided under subd. 1. or
21 under par. (c), whichever distribution date is earlier.

22 4. If the spouse or domestic partner dies, but has designated a new beneficiary,
23 the birth date of the spouse or domestic partner shall be used for the purposes of
24 determining the required beginning date.

1 5. The department shall specify by rule all procedures relating to an automatic
2 distribution to the spouse or domestic partner. These rules shall comply with the
3 internal revenue code.

4 **SECTION 16.** 40.23 (4) (f) (intro.) of the statutes is amended to read:

5 40.23 (4) (f) (intro.) If a participant dies before the distribution of benefits has
6 commenced and the participant's beneficiary is not the spouse or domestic partner,
7 the beneficiary shall do one of the following:

8 **SECTION 17.** 40.24 (7) (a) (intro.) of the statutes is amended to read:

9 40.24 (7) (a) (intro.) Any participant who has been married to the same spouse,
10 or in a domestic partnership with the same domestic partner, for at least one year
11 immediately preceding the participant's annuity effective date shall elect the
12 annuity option under sub. (1) (d), the annuity option under sub. (1) (e), if the reduced
13 annuity under sub. (1) (e) is payable in an optional life form provided under sub. (1)
14 (d), or an annuity option in a form provided by rule, if the annuity is payable for life
15 with monthly payments of at least 75% of the amount of the annuity to be continued
16 to the beneficiary, for life, upon the death of the participant, and the participant shall
17 designate the spouse or domestic partner as the beneficiary, unless the participant's
18 application for a retirement annuity in a different optional annuity form is signed
19 by both the participant and the participant's spouse or domestic partner or unless the
20 participant establishes to the satisfaction of the department that, by reason of
21 absence or other inability, the spouse's or domestic partner's signature may not be
22 obtained. This subsection does not apply to any of the following:

23 **SECTION 18.** 40.24 (7) (b) of the statutes is amended to read:

24 40.24 (7) (b) In administering this subsection, the secretary may require the
25 participant to provide the department with a certification of the participant's marital

1 or domestic partnership status and of the validity of the spouse's or domestic
2 partner's signature. If a participant is exempted from the requirements under par.
3 (a) on the basis of a certification which the department or a court subsequently
4 determines to be invalid, the liability of the fund and the department shall be limited
5 to a conversion of annuity options at the time the certification is determined to be
6 invalid. The conversion shall be from the present value of the annuity in the optional
7 form originally elected by the participant to an annuity with the same present value
8 but in the optional form under sub. (1) (d) and with monthly payments of 100% of the
9 amount of the annuity paid to the annuitant to be continued to the spouse or domestic
10 partner beneficiary.

11 **SECTION 19.** 40.25 (3m) of the statutes is amended to read:

12 40.25 **(3m)** A participant's application for a lump sum payment under sub. (1)
13 (b) or (2), filed after May 7, 1994, shall be signed by both the participant and the
14 participant's spouse or domestic partner, if the participant has been married to that
15 spouse, or in a domestic partnership with that domestic partner, for at least one year
16 immediately preceding the date the application is filed. The department may
17 promulgate rules that allow for the waiver of the requirements of this subsection for
18 a situation in which, by reason of absence or incompetency, the spouse's or domestic
19 partner's signature may not be obtained. This subsection does not apply to any
20 benefits paid from accumulated additional contributions.

21 **SECTION 20.** 40.52 (2) of the statutes is amended to read:

22 40.52 **(2)** Health insurance benefits under this subchapter shall be integrated,
23 with exceptions determined appropriate by the group insurance board, with benefits
24 under federal plans for hospital and health care for the aged and disabled.
25 Exclusions and limitations with respect to benefits and different rates may be

1 established for persons eligible under federal plans for hospital and health care for
2 the aged and disabled in recognition of the utilization by persons within the age
3 limits eligible under the federal program. The plan may include special provisions
4 for spouses, domestic partners, and other dependents covered under a plan
5 established under this subchapter where one spouse or domestic partner is eligible
6 under federal plans for hospital and health care for the aged but the others are not
7 eligible because of age or other reasons. As part of the integration, the department
8 may, out of premiums collected under s. 40.05 (4), pay premiums for the federal
9 health insurance.

10 **SECTION 21.** 40.55 (1) of the statutes is amended to read:

11 40.55 (1) Except as provided in sub. (5), the state shall offer, through the group
12 insurance board, to eligible employees under s. 40.02 (25) (bm) and to state
13 annuitants long-term care insurance policies which have been filed with the office
14 of the commissioner of insurance and which have been approved for offering under
15 contracts established by the group insurance board if the insurer requests that the
16 policy be offered and the state shall also allow an eligible employee or a state
17 annuitant to purchase those policies for his or her spouse, domestic partner, or
18 parent.

19 **SECTION 22.** 40.65 (5) (b) 1. of the statutes is amended to read:

20 40.65 (5) (b) 1. Any OASDHI benefit payable to the participant or the
21 participant's spouse, domestic partner, or a dependent because of the participant's
22 work record.

23 **SECTION 23.** 40.65 (5) (c) of the statutes is amended to read:

24 40.65 (5) (c) The Wisconsin retirement board may not reduce a participant's
25 benefit because of income or benefits that are attributable to the earnings or work

1 record of the participant's spouse, domestic partner, or other member of the
2 participant's family, or because of income or benefits attributable to an insurance
3 contract, including income continuation programs.

4 **SECTION 24.** 40.65 (7) (am) (intro.) of the statutes is amended to read:

5 40.65 (7) (am) (intro.) This paragraph applies to benefits based on applications
6 filed on or after May 3, 1988. If a protective occupation participant dies as a result
7 of an injury or a disease for which a benefit is paid or would be payable under sub.
8 (4), and the participant is survived by a spouse, domestic partner, or an unmarried
9 child under the age of 18, a monthly benefit shall be paid as follows:

10 **SECTION 25.** 40.65 (7) (am) 1. of the statutes is amended to read:

11 40.65 (7) (am) 1. To the surviving spouse or domestic partner until the
12 surviving spouse remarries or the surviving domestic partner enters into a new
13 domestic partnership or marries, if the spouse was married to the participant on the
14 date that the participant was disabled under sub. (4) or the domestic partner was in
15 a domestic partnership with the participant on the date that the participant was
16 disabled under sub. (4), 50% of the participant's monthly salary at the time of death,
17 but reduced by any amount payable under sub. (5) (b) 1. to 6.

18 **SECTION 26.** 40.65 (7) (am) 2. of the statutes is amended to read:

19 40.65 (7) (am) 2. To a guardian for each of that guardian's wards who is an
20 unmarried surviving child under the age of 18, 10% of the participant's monthly
21 salary at the time of death, payable until the child marries, dies or reaches the age
22 of 18, whichever occurs first. The marital or domestic partnership status of the
23 surviving spouse or domestic partner shall have no effect on the payments under this
24 subdivision.

25 **SECTION 27.** 40.65 (7) (ar) 1. of the statutes is amended to read:

1 40.65 (7) (ar) 1. This paragraph applies to benefits based on applications filed
2 on or after May 12, 1998. If a protective occupation participant, who is covered by
3 the presumption under s. 891.455, dies as a result of an injury or a disease for which
4 a benefit is paid or would be payable under sub. (4), and the participant is survived
5 by a spouse, domestic partner, or an unmarried child under the age of 18, a monthly
6 benefit shall be paid as follows:

7 a. To the surviving spouse or domestic partner until the surviving spouse or
8 domestic partner remarries or enters into a new domestic partnership, if the
9 surviving spouse was married to the participant on the date that the participant was
10 disabled under sub. (4) or the domestic partner was in a domestic partnership with
11 the participant on the date that the participant was disabled under sub. (4), 70% of
12 the participant's monthly salary at the time of death, but reduced by any amount
13 payable under sub. (5) (b) 1. to 6.

14 b. If there is no surviving spouse or domestic partner or the surviving spouse
15 or domestic partner subsequently dies, to a guardian for each of that guardian's
16 wards who is an unmarried surviving child under the age of 18, 10% of the
17 participant's monthly salary at the time of death, payable until the child marries,
18 dies or reaches the age of 18, whichever occurs first.

19 **SECTION 28.** 40.80 (2r) (a) 2. of the statutes is amended to read:

20 40.80 (2r) (a) 2. Assigns all or part of a participant's accumulated assets held
21 in a deferred compensation plan under this subchapter to a spouse, former spouse,
22 domestic partner, former domestic partner, child, or other dependent to satisfy a
23 family support or marital property obligation.

24 **SECTION 29.** 40.98 (1) (b) of the statutes is amended to read:

1 40.98 (1) (b) "Dependent" means a spouse or domestic partner, an unmarried
2 child under the age of 19 years, an unmarried child who is a full-time student under
3 the age of 21 years and who is financially dependent upon the parent, or an
4 unmarried child of any age who is medically certified as disabled and who is
5 dependent upon the parent.

6 **SECTION 30.** 50.032 (2) of the statutes is amended to read:

7 50.032 (2) REGULATION. ~~Standards~~ Except as provided in sub. (2d), standards
8 for operation of certified adult family homes and procedures for application for
9 certification, monitoring, inspection, decertification and appeal of decertification
10 under this section shall be under rules promulgated by the department under s.
11 50.02 (2) (am) 1. An adult family home certification is valid until decertified under
12 this section. Certification is not transferable.

13 **SECTION 31.** 50.032 (2d) of the statutes is created to read:

14 50.032 (2d) ACCOMPANIMENT OR VISITATION. If an adult family home has a policy
15 on who may accompany or visit a patient, the adult family home shall extend the
16 same right of accompaniment or visitation to a patient's state-registered domestic
17 partner under s. 770.05 as is accorded the spouse of a patient under the policy.

 ***NOTE: This draft deletes the treatment of s. 50.033 (2), which is treated in
LRB-0395/1.

18 **SECTION 32.** 50.033 (2d) of the statutes is created to read:

19 50.033 (2d) ACCOMPANIMENT OR VISITATION. If an adult family home has a policy
20 on who may accompany or visit a patient, the adult family home shall extend the
21 same right of accompaniment or visitation to a patient's state-registered domestic
22 partner under s. 770.05 as is accorded the spouse of a patient under the policy.

23 **SECTION 33.** 50.034 (3) (e) of the statutes is created to read:

1 50.034 (3) (e) If a residential care apartment complex has a policy on who may
2 accompany or visit a patient, the residential care apartment complex shall extend
3 the same right of accompaniment or visitation to a patient's state-registered
4 domestic partner under s. 770.05 as is accorded the spouse of a patient under the
5 policy.

6 **SECTION 34.** 50.034 (9) of the statutes is created to read:

7 50.034 (9) OTHER PENALTIES. Any person who violates sub. (3) (e) may be fined
8 not more than \$500 or imprisoned for not more than one year in the county jail or
9 both.

10 **SECTION 35.** 50.035 (2d) of the statutes is created to read:

11 50.035 (2d) ACCOMPANIMENT OR VISITATION. If a community-based residential
12 facility has a policy on who may accompany or visit a patient, the community-based
13 residential facility shall extend the same right of accompaniment or visitation to a
14 patient's state-registered domestic partner under s. 770.05 as is accorded the spouse
15 of a patient under the policy.

16 **SECTION 36.** 50.035 (12) of the statutes is created to read:

17 50.035 (12) OTHER PENALTIES. Any person who violates sub. (2d) may be fined
18 not more than \$500 or imprisoned for not more than one year in the county jail or
19 both.

20 **SECTION 37.** 50.04 (2d) of the statutes is created to read:

21 50.04 (2d) ACCOMPANIMENT OR VISITATION. If a nursing home has a policy on who
22 may accompany or visit a patient, the nursing home shall extend the same right of
23 accompaniment or visitation to a patient's state-registered domestic partner under
24 s. 770.05 as is accorded the spouse of a patient under the policy.

25 **SECTION 38.** 50.04 (5) (a) (intro.) of the statutes is amended to read:

1 50.04 (5) (a) *Amounts.* (intro.) Any Except as provided under sub. (5g), any
2 operator or owner of a nursing home which is in violation of this subchapter or any
3 rule promulgated thereunder may be subject to the forfeitures specified in this
4 section.

5 **SECTION 39.** 50.04 (5g) of the statutes is created to read:

6 50.04 (5g) OTHER PENALTIES. Any person who violates sub. (2d) may be fined
7 not more than \$500 or imprisoned for not more than one year in the county jail or
8 both.

9 **SECTION 40.** 50.06 (2) (am) 2. b. of the statutes is amended to read:

10 50.06 (2) (am) 2. b. The individual who is consenting to the proposed admission
11 is the spouse or state-registered domestic partner under s. 770.05 of the
12 incapacitated person.

13 **SECTION 41.** 50.06 (3) (a) of the statutes is amended to read:

14 50.06 (3) (a) The spouse or state-registered domestic partner under s. 770.05
15 of the incapacitated individual.

16 **SECTION 42.** 50.09 (1) (f) 1. of the statutes is amended to read:

17 50.09 (1) (f) 1. Privacy for visits by spouse or state-registered domestic partner.
18 If both spouses or both state-registered domestic partners under s. 770.05 are
19 residents of the same facility, they the spouses or domestic partners shall be
20 permitted to share a room unless medically contraindicated as documented by the
21 resident's physician or advanced practice nurse prescriber in the resident's medical
22 record.

23 **SECTION 43.** 50.36 (3j) of the statutes is created to read:

24 50.36 (3j) If a hospital has a policy on who may accompany or visit a patient,
25 the hospital shall extend the same right of accompaniment or visitation to a patient's

1 state-registered domestic partner under s. 770.05 as is accorded the spouse of a
2 patient under the policy.

3 **SECTION 44.** 50.382 of the statutes is created to read:

4 **50.382 Other penalties.** Any person who violates s. 50.36 (3j) may be fined
5 not more than \$500 or imprisoned for not more than one year in the county jail or
6 both.

7 **SECTION 45.** 50.389 of the statutes is renumbered 50.38.

8 **SECTION 46.** 50.94 (3) (a) of the statutes is amended to read:

9 50.94 (3) (a) The spouse or state-registered domestic partner under s. 770.05
10 of the person who is incapacitated.

11 **SECTION 47.** 50.942 of the statutes is created to read:

12 **50.942 Accompaniment or visitation.** (1) If a hospice has a policy on who
13 may accompany or visit a patient, the hospice shall extend the same right of
14 accompaniment or visitation to a patient's state-registered domestic partner under
15 s. 770.05 as is accorded the spouse of a patient under the policy.

16 (2) Any person who violates sub. (1) may be fined not more than \$500 or
17 imprisoned for not more than one year in the county jail or both.

18 **SECTION 48.** 50.95 (1) of the statutes is amended to read:

19 50.95 (1) Standards Except as provided in s. 50.942, standards for the care,
20 treatment, health, safety, rights, welfare and comfort of individuals with terminal
21 illness, their families and other individuals who receive palliative care or supportive
22 care from a hospice and the maintenance, general hygiene and operation of a hospice,
23 which will permit the use of advancing knowledge to promote safe and adequate care
24 and treatment for these individuals. These standards shall permit provision of
25 services directly, as required under 42 CFR 418.56, or by contract under which

1 overall coordination of hospice services is maintained by hospice staff members and
2 the hospice retains the responsibility for planning and coordination of hospice
3 services and care on behalf of a hospice client and his or her family, if any.

4 **SECTION 49.** 51.30 (4) (b) 20. (intro.) of the statutes is amended to read:

5 51.30 (4) (b) 20. (intro.) Except with respect to the treatment records of a
6 subject individual who is receiving or has received services for alcoholism or drug
7 dependence, to the spouse, state-registered domestic partner under s. 770.05,
8 parent, adult child or sibling of a subject individual, if the spouse, domestic partner,
9 parent, adult child or sibling is directly involved in providing care to or monitoring
10 the treatment of the subject individual and if the involvement is verified by the
11 subject individual's physician, psychologist or by a person other than the spouse,
12 domestic partner, parent, adult child or sibling who is responsible for providing
13 treatment to the subject individual, in order to assist in the provision of care or
14 monitoring of treatment. Except in an emergency as determined by the person
15 verifying the involvement of the spouse, domestic partner, parent, adult child or
16 sibling, the request for treatment records under this subdivision shall be in writing,
17 by the requester. Unless the subject individual has been adjudicated incompetent
18 in this state, the person verifying the involvement of the spouse, domestic partner,
19 parent, adult child or sibling shall notify the subject individual about the release of
20 his or her treatment records under this subdivision. Treatment records released
21 under this subdivision are limited to the following:

22 **SECTION 50.** 51.30 (4) (cm) (intro.) of the statutes is amended to read:

23 51.30 (4) (cm) *Required access to certain information.* (intro.) Notwithstanding
24 par. (a), treatment records of an individual shall, upon request, be released without
25 informed written consent, except as restricted under par. (c), to the parent, child,

1 sibling, ~~or spouse, or state-registered domestic partner under s. 770.05~~ of an
2 individual who is or was a patient at an inpatient facility; to a law enforcement officer
3 who is seeking to determine whether an individual is on unauthorized absence from
4 the facility; and to mental health professionals who are providing treatment to the
5 individual at the time that the information is released to others. Information
6 released under this paragraph is limited to notice as to whether or not an individual
7 is a patient at the inpatient facility and, if the individual is no longer a patient at the
8 inpatient facility, the facility or other place, if known, at which the individual is
9 located. This paragraph does not apply under any of the following circumstances:

10 **SECTION 51.** 51.30 (4) (cm) 1. of the statutes is amended to read:

11 51.30 (4) (cm) 1. To the individual's parent, child, sibling, ~~or spouse, or~~
12 state-registered domestic partner under s. 770.05 who is requesting information, if
13 the individual has specifically requested that the information be withheld from the
14 parent, child, sibling, ~~or spouse, or domestic partner.~~

15 **SECTION 52.** 66.0137 (5) of the statutes is renumbered 66.0137 (5) (b) and
16 amended to read:

17 66.0137 (5) (b) The state or a local governmental unit may provide for the
18 payment of premiums for hospital, surgical and other health and accident insurance
19 and life insurance for employees and officers ~~and, their spouses and dependent~~
20 children, and their state-registered domestic partner under s. 770.05 and dependent
21 children. A local governmental unit may also provide for the payment of premiums
22 for hospital and surgical care for its retired employees. In addition, a local
23 governmental unit may, by ordinance or resolution, elect to offer to all of its
24 employees a health care coverage plan through a program offered by the group
25 insurance board under ch. 40. A local governmental unit that elects to participate

1 under s. 40.51 (7) is subject to the applicable sections of ch. 40 instead of this
2 subsection.

3 **SECTION 53.** 66.0137 (5) (a) of the statutes is created to read:

4 66.0137 (5) (a) In this subsection, "local governmental unit" includes the school
5 district operating under ch. 119.

6 **SECTION 54.** 66.1011 (1) of the statutes is amended to read:

7 66.1011 (1) DECLARATION OF POLICY. The right of all persons to have equal
8 opportunities for housing regardless of their sex, race, color, physical condition,
9 disability, as defined in s. 106.50 (1m) (g), sexual orientation, as defined in s. 111.32
10 (13m), religion, national origin, marital or domestic partnership status, as defined
11 in s. 111.32 (12), family status, as defined in s. 106.50 (1m) (k), lawful source of
12 income, age, or ancestry is a matter both of statewide concern under ss. 101.132 and
13 106.50 and also of local interest under this section and s. 66.0125. The enactment
14 of ss. 101.132 and 106.50 by the legislature does not preempt the subject matter of
15 equal opportunities in housing from consideration by political subdivisions, and does
16 not exempt political subdivisions from their duty, nor deprive them of their right, to
17 enact ordinances ~~which~~ that prohibit discrimination in any type of housing solely on
18 the basis of an individual being a member of a protected class.

19 **SECTION 55.** 77.25 (8n) of the statutes is created to read:

20 77.25 (8n) Between an individual and his or her state-registered domestic
21 partner under s. 770.05.

22 **SECTION 56.** 101.9208 (4m) of the statutes is amended to read:

23 101.9208 (4m) Upon filing an application under sub. (1) or (4), a supplemental
24 title fee to be paid by the owner of the manufactured home, except that this fee shall
25 be waived with respect to an application under sub. (4) for transfer of a decedent's

1 interest in a manufactured home to his or her surviving spouse or state-registered
2 domestic partner under s. 770.05. The fee required under this subsection shall be
3 paid in addition to any other fee specified in this section.

4 **SECTION 57.** 101.9211 (4) (b) 1. (intro.) of the statutes is amended to read:

5 101.9211 (4) (b) 1. (intro.) Except as provided under subd. 1m., the department
6 shall transfer the decedent's interest in any manufactured home to his or her
7 surviving spouse or state-registered domestic partner under s. 770.05 upon receipt
8 of the title executed by the surviving spouse or state-registered domestic partner
9 and a statement by the spouse or state-registered domestic partner that states all
10 of the following:

11 **SECTION 58.** 101.9211 (4) (b) 1. c. of the statutes is amended to read:

12 101.9211 (4) (b) 1. c. That the spouse or state-registered domestic partner
13 under s. 770.05 is personally liable for the decedent's debts and charges to the extent
14 of the value of the manufactured home, subject to s. 859.25.

15 **SECTION 59.** 101.9211 (4) (b) 1m. of the statutes is amended to read:

16 101.9211 (4) (b) 1m. The department may not require a surviving spouse or
17 state-registered domestic partner under s. 770.05 to provide an executed title to a
18 manufactured home under subd. 1. if the manufactured home has no certificate of
19 title as a result of the exemption under s. 101.9203 (4).

20 **SECTION 60.** 101.9211 (4) (b) 4. of the statutes is amended to read:

21 101.9211 (4) (b) 4. The limit in subd. 3. does not apply if the surviving spouse
22 or state-registered domestic partner under s. 770.05 is proceeding under s. 867.03
23 (1g) and the total value of the decedent's property subject to administration in the
24 state, including the manufactured homes transferred under this paragraph, does not
25 exceed \$50,000.

1 **SECTION 61.** 102.475 (6) of the statutes is amended to read:

2 102.475 (6) PROOF. In administering this section the department may require
3 reasonable proof of birth, marriage, state-registered domestic partnership under s.
4 770.07, relationship, or dependency.

5 **SECTION 62.** 102.49 (1) of the statutes is amended to read:

6 102.49 (1) ~~Where~~ When the beneficiary under s. 102.46 or 102.47 (1) is the wife
7 ~~or husband~~ spouse or state-registered domestic partner under s. 770.05 of the
8 deceased employee and is wholly dependent for support, an additional death benefit
9 shall be paid from the funds provided by sub. (5) for each child by their marriage or
10 state-registered domestic partnership under s. 770.07 who is living at the time of the
11 death of the employee, and who is likewise wholly dependent upon the employee for
12 support. ~~Such~~ That payment shall commence at the time that primary death benefit
13 payments are completed, or, if advancement of compensation has been paid, at the
14 time when payments would normally have been completed. Payments shall continue
15 at the rate of 10% of the surviving parent's weekly indemnity until the child's 18th
16 birthday. If the child is physically or mentally incapacitated, ~~such~~ payments may be
17 continued beyond the child's 18th birthday but the payments may not continue for
18 more than a total of 15 years.

19 **SECTION 63.** 102.49 (2) of the statutes is amended to read:

20 102.49 (2) A child lawfully adopted by the deceased employee and the surviving
21 spouse or state-registered domestic partner under s. 770.05, prior to the time of the
22 injury, and a child not the deceased employee's own by birth or adoption but living
23 with the deceased employee as a member of the deceased employee's family at the
24 time of the injury shall for the purpose of this section be taken as a child by their
25 marriage or state-registered domestic partnership under s. 770.07.

1 **SECTION 64.** 102.49 (3) of the statutes is amended to read:

2 102.49 (3) If the employee leaves a spouse or state-registered domestic partner
3 under s. 770.05 wholly dependent and also a child by a former marriage,
4 state-registered domestic partnership under s. 770.07, or adoption, likewise wholly
5 dependent, aggregate benefits shall be the same in amount as if the child were the
6 child of the surviving spouse or partner, and the entire benefit shall be apportioned
7 to the dependents in the amounts that the department ~~shall determine~~ determines
8 to be just, considering the ages of the dependents and other factors bearing on
9 dependency. The benefit awarded to the surviving spouse or partner shall not exceed
10 4 times the average annual earnings of the deceased employee.

11 **SECTION 65.** 102.51 (1) (a) 2m. of the statutes is created to read:

12 102.51 (1) (a) 2m. A state-registered domestic partner under s. 770.05 upon
13 his or her partner with whom he or she is living at the time of the partner's death.

14 **SECTION 66.** 102.51 (2) (a) of the statutes is amended to read:

15 102.51 (2) (a) No person shall be considered a dependent unless that person is
16 a spouse, a state-registered domestic partner under s. 770.05, a divorced spouse who
17 has not remarried, or a lineal descendant, lineal ancestor, brother, sister, or other
18 member of the family, whether by blood or by adoption, of the deceased employee.

19 **SECTION 67.** 102.51 (6) of the statutes is amended to read:

20 102.51 (6) DIVISION AMONG DEPENDENTS. Benefits accruing to a minor dependent
21 child may be awarded to either parent in the discretion of the department.
22 Notwithstanding sub. (1), the department may reassign the death benefit, in
23 accordance with their respective needs ~~therefor~~ for the death benefit as between a
24 surviving spouse or a state-registered domestic partner under s. 770.05 and children
25 designated in sub. (1) and s. 102.49.

1 **SECTION 68.** 102.64 (1) of the statutes is amended to read:

2 102.64 (1) Upon request of the department of administration, a representative
3 of the department of justice shall represent the state in cases involving payment into
4 or out of the state treasury under s. 20.865 (1) (fm), (kr), or (ur) or 102.29. The
5 department of justice, after giving notice to the department of administration, may
6 compromise the amount of such those payments but such compromises shall be
7 subject to review by the department of workforce development. If the spouse or
8 state-registered domestic partner under s. 770.05 of the deceased employee
9 compromises his or her claim for a primary death benefit, the claim of the children
10 of such the employee under s. 102.49 shall be compromised on the same proportional
11 basis, subject to approval by the department. If the persons entitled to compensation
12 on the basis of total dependency under s. 102.51 (1) compromise their claim,
13 payments under s. 102.49 (5) (a) shall be compromised on the same proportional
14 basis.

15 **SECTION 69.** 103.10 (1) (ar) of the statutes is created to read:

16 103.10 (1) (ar) "Domestic partner" has the meaning given in s. 770.01 (1).

17 **SECTION 70.** 103.10 (1) (b) of the statutes is amended to read:

18 103.10 (1) (b) "Employee" means an individual employed in this state by an
19 employer, except the employer's parent, spouse, domestic partner, or child.

20 **SECTION 71.** 103.10 (1) (f) of the statutes is amended to read:

21 103.10 (1) (f) "Parent" means a natural parent, foster parent, treatment foster
22 parent, adoptive parent, stepparent, or legal guardian of an employee or of an
23 employee's spouse or domestic partner.

24 **SECTION 72.** 103.10 (3) (b) 3. of the statutes is amended to read:

1 103.10 (3) (b) 3. To care for the employee's child, spouse, domestic partner, or
2 parent, if the child, spouse, domestic partner, or parent has a serious health
3 condition.

4 **SECTION 73.** 103.10 (6) (b) (intro.) of the statutes is amended to read:

5 103.10 (6) (b) (intro.) If an employee intends to take family leave because of the
6 planned medical treatment or supervision of a child, spouse, domestic partner, or
7 parent or intends to take medical leave because of the planned medical treatment or
8 supervision of the employee, the employee shall do all of the following:

9 **SECTION 74.** 103.10 (6) (b) 1. of the statutes is amended to read:

10 103.10 (6) (b) 1. Make a reasonable effort to schedule the medical treatment
11 or supervision so that it does not unduly disrupt the employer's operations, subject
12 to the approval of the health care provider of the child, spouse, domestic partner,
13 parent, or employee.

14 **SECTION 75.** 103.10 (7) (a) of the statutes is amended to read:

15 103.10 (7) (a) If an employee requests family leave for a reason described in sub.
16 (3) (b) 3. or requests medical leave, the employer may require the employee to provide
17 certification, as described in par. (b), issued by the health care provider or Christian
18 Science practitioner of the child, spouse, domestic partner, parent, or employee,
19 whichever is appropriate.

20 **SECTION 76.** 103.10 (7) (b) 1. of the statutes is amended to read:

21 103.10 (7) (b) 1. That the child, spouse, domestic partner, parent, or employee
22 has a serious health condition.

23 **SECTION 77.** 103.10 (12) (c) of the statutes is amended to read:

24 103.10 (12) (c) If 2 or more health care providers disagree about any of the
25 information required to be certified under sub. (7) (b), the department may appoint

1 another health care provider to examine the child, spouse, domestic partner, parent,
2 or employee and render an opinion as soon as possible. The department shall
3 promptly notify the employee and the employer of the appointment. The employer
4 and the employee shall each pay 50% of the cost of the examination and opinion.

5 **SECTION 78.** 103.165 (3) (a) 1. of the statutes is amended to read:

6 103.165 (3) (a) 1. The decedent's surviving spouse or state-registered domestic
7 partner under s. 770.05.

8 **SECTION 79.** 103.165 (3) (a) 2. of the statutes is amended to read:

9 103.165 (3) (a) 2. The decedent's children if the decedent ~~shall leave~~ leaves no
10 surviving spouse or state-registered domestic partner under s. 770.05.

11 **SECTION 80.** 103.165 (3) (a) 3. of the statutes is amended to read:

12 103.165 (3) (a) 3. The decedent's father or mother if the decedent ~~shall leave~~
13 leaves no surviving spouse, state-registered domestic partner under s. 770.05, or
14 children.

15 **SECTION 81.** 103.165 (3) (a) 4. of the statutes is amended to read:

16 103.165 (3) (a) 4. The decedent's brother or sister if the decedent ~~shall leave~~
17 leaves no surviving spouse, state-registered domestic partner under s. 770.05,
18 children, or parent.

19 **SECTION 82.** 103.165 (3) (c) of the statutes is amended to read:

20 103.165 (3) (c) The amount of the cash bond, together with principal and
21 interest, to which the deceased employee would have been entitled had the deceased
22 employee lived, shall, as soon as paid out by the depository, be turned over to the
23 ~~relative of the deceased employee~~ person designated under par. (a) effecting the
24 accounting and withdrawal with the employer. The turning over shall be a discharge
25 and release of the employer to the amount of the payment.

1 **SECTION 83.** 103.165 (3) (d) of the statutes is amended to read:

2 103.165 (3) (d) If no ~~relatives~~ persons designated under par. (a) survive, the
3 employer may apply the cash bond, or so much of the cash bond as may be necessary,
4 to paying creditors of the decedent in the order of preference prescribed in s. 859.25
5 for satisfaction of debts by personal representatives. The making of payment under
6 this paragraph shall be a discharge and release of the employer to the amount of the
7 payment.

8 **SECTION 84.** 106.50 (1) of the statutes is amended to read:

9 106.50 (1) INTENT. It is the intent of this section to render unlawful
10 discrimination in housing. It is the declared policy of this state that all persons shall
11 have an equal opportunity for housing regardless of sex, race, color, sexual
12 orientation, disability, religion, national origin, marital or domestic partnership
13 status, family status, lawful source of income, age, or ancestry and it is the duty of
14 the political subdivisions to assist in the orderly prevention or removal of all
15 discrimination in housing through the powers granted under ss. 66.0125 and
16 66.1011. The legislature hereby extends the state law governing equal housing
17 opportunities to cover single-family residences ~~which~~ that are owner-occupied. The
18 legislature finds that the sale and rental of single-family residences constitute a
19 significant portion of the housing business in this state and should be regulated.
20 This section shall be ~~deemed~~ considered an exercise of the police powers of the state
21 for the protection of the welfare, health, peace, dignity, and human rights of the
22 people of this state.

23 **SECTION 85.** 106.50 (1m) (h) of the statutes is amended to read:

24 106.50 (1m) (h) "Discriminate" means to segregate, separate, exclude, or treat
25 a person or class of persons unequally in a manner described in sub. (2), (2m), or (2r)

1 because of sex, race, color, sexual orientation, disability, religion, national origin,
2 marital or domestic partnership status, family status, lawful source of income, age,
3 or ancestry.

4 **SECTION 86.** 106.50 (1m) (nm) of the statutes is amended to read:

5 106.50 (1m) (nm) "Member of a protected class" means a group of natural
6 persons, or a natural person, who may be categorized based on ~~one or more of the~~
7 ~~following characteristics:~~ sex, race, color, disability, sexual orientation, as defined
8 in s. 111.32 (13m), religion, national origin, marital or domestic partnership status,
9 as defined in s. 111.32 (12), family status, lawful source of income, age, or ancestry.

10 **SECTION 87.** 109.03 (3) (a) of the statutes is amended to read:

11 109.03 (3) (a) In case of the death of an employee to whom wages are due, the
12 full amount of the wages due shall upon demand be paid by the employer to the
13 spouse, state-registered domestic partner under s. 770.05, children, or other
14 dependent living with the employee at the time of death.

15 **SECTION 88.** 109.03 (3) (b) of the statutes is amended to read:

16 109.03 (3) (b) An employer may, not less than 5 days after the death of an
17 employee and before the filing of a petition or application for administration of the
18 decedent's estate, make payments of the wage due the deceased employee to the
19 spouse, state-registered domestic partner under s. 770.05, children, parents, or
20 siblings of the decedent, giving preference in the order listed.

21 **SECTION 89.** 109.03 (3) (c) of the statutes is amended to read:

22 109.03 (3) (c) If none of the ~~relatives~~ persons listed in par. (b) survives, the
23 employer may apply the payment of the wage or so much of the wage as may be
24 necessary to paying creditors of the decedent in the order of preference prescribed
25 in s. 859.25 for satisfaction of debts by personal representatives.

1 **SECTION 90.** 111.31 (1) of the statutes is amended to read:

2 111.31 (1) The legislature finds that the practice of unfair discrimination in
3 employment against properly qualified individuals by reason of their age, race,
4 creed, color, disability, marital or domestic partnership status, sex, national origin,
5 ancestry, sexual orientation, arrest record, conviction record, military service, or use
6 or nonuse of lawful products off the employer's premises during nonworking hours
7 substantially and adversely affects the general welfare of the state. Employers,
8 labor organizations, employment agencies, and licensing agencies that deny
9 employment opportunities and discriminate in employment against properly
10 qualified individuals solely because of their age, race, creed, color, disability, marital
11 or domestic partnership status, sex, national origin, ancestry, sexual orientation,
12 arrest record, conviction record, military service, or use or nonuse of lawful products
13 off the employer's premises during nonworking hours deprive those individuals of
14 the earnings that are necessary to maintain a just and decent standard of living.

15 **SECTION 91.** 111.31 (2) of the statutes is amended to read:

16 111.31 (2) It is the intent of the legislature to protect by law the rights of all
17 individuals to obtain gainful employment and to enjoy privileges free from
18 employment discrimination because of age, race, creed, color, disability, marital or
19 domestic partnership status, sex, national origin, ancestry, sexual orientation,
20 arrest record, conviction record, military service, or use or nonuse of lawful products
21 off the employer's premises during nonworking hours, and to encourage the full,
22 nondiscriminatory utilization of the productive resources of the state to the benefit
23 of the state, the family, and all the people of the state. It is the intent of the legislature
24 in promulgating this subchapter to encourage employers to evaluate an employee or
25 applicant for employment based upon the employee's or applicant's individual

1 qualifications rather than upon a particular class to which the individual may
2 belong.

3 **SECTION 92.** 111.31 (3) of the statutes is amended to read:

4 111.31 (3) In the interpretation and application of this subchapter, and
5 otherwise, it is declared to be the public policy of the state to encourage and foster
6 to the fullest extent practicable the employment of all properly qualified individuals
7 regardless of age, race, creed, color, disability, marital or domestic partnership
8 status, sex, national origin, ancestry, sexual orientation, arrest record, conviction
9 record, military service, or use or nonuse of lawful products off the employer's
10 premises during nonworking hours. Nothing in this subsection requires an
11 affirmative action program to correct an imbalance in the work force. This
12 subchapter shall be liberally construed for the accomplishment of this purpose.

13 **SECTION 93.** 111.32 (5) of the statutes is amended to read:

14 111.32 (5) "Employee" does not include any individual employed by his or her
15 parents, spouse, state-registered domestic partner under s. 770.05, or child.

16 **SECTION 94.** 111.32 (12) of the statutes is amended to read:

17 111.32 (12) "Marital or domestic partnership status" means the status of being
18 married, single, divorced, separated, or widowed or of being in a state-registered
19 domestic partnership under s. 770.05.

20 **SECTION 95.** 111.321 of the statutes is amended to read:

21 **111.321 Prohibited bases of discrimination.** Subject to ss. 111.33 to 111.36,
22 no employer, labor organization, employment agency, licensing agency, or other
23 person may engage in any act of employment discrimination as specified in s. 111.322
24 against any individual on the basis of age, race, creed, color, disability, marital or
25 domestic partnership status, sex, national origin, ancestry, arrest record, conviction

1 record, military service, or use or nonuse of lawful products off the employer's
2 premises during nonworking hours.

3 **SECTION 96.** 111.345 of the statutes is amended to read:

4 **111.345 Marital or domestic partnership status; exceptions and special**
5 **cases.** Notwithstanding s. 111.322, it is not employment discrimination because of
6 marital or domestic partnership status to prohibit an individual from directly
7 supervising or being directly supervised by his or her spouse or state-registered
8 domestic partner under s. 770.05.

9 **SECTION 97.** 146.75 of the statutes is created to read:

10 **146.75 Medical clinic accompaniment or visitation.** (1) In this section,
11 "medical clinic" means a place, other than a residence, that is used primarily for the
12 provision of nursing, medical, podiatric, dental, chiropractic, or optometric care or
13 treatment.

14 (2) If a medical clinic has a policy on who may accompany or visit a patient, the
15 medical clinic shall extend the same right of accompaniment or visitation to a
16 patient's state-registered domestic partner under s. 770.05 as is accorded the spouse
17 of a patient under the policy.

18 (3) Any person who violates sub. (2) may be fined not more than \$500 or
19 imprisoned for not more than one year in the county jail or both.

20 **SECTION 98.** 146.81 (5) of the statutes is amended to read:

21 146.81 (5) "Person authorized by the patient" means the parent, guardian, or
22 legal custodian of a minor patient, as defined in s. 48.02 (8) and (11), the person
23 vested with supervision of the child under s. 938.183 or 938.34 (4d), (4h), (4m), or
24 (4n), the guardian of a patient adjudicated incompetent in this state, the personal
25 representative ~~or, spouse, or state-registered domestic partner under s. 770.05~~ of a

1 deceased patient, any person authorized in writing by the patient or a health care
2 agent designated by the patient as a principal under ch. 155 if the patient has been
3 found to be incapacitated under s. 155.05 (2), except as limited by the power of
4 attorney for health care instrument. If no spouse or state-registered domestic
5 partner survives a deceased patient, "person authorized by the patient" also means
6 an adult member of the deceased patient's immediate family, as defined in s. 632.895
7 (1) (d). A court may appoint a temporary guardian for a patient believed incompetent
8 to consent to the release of records under this section as the person authorized by the
9 patient to decide upon the release of records, if no guardian has been appointed for
10 the patient.

11 **SECTION 99.** 155.01 (12) of the statutes is repealed and recreated to read:

12 155.01 (12) "Relative" means an individual related by blood within the 3rd
13 degree of kinship as computed under s. 990.001 (16); a spouse, state-registered
14 domestic partner under s. 770.05, or an individual related to a spouse or domestic
15 partner within the 3rd degree as so computed; and includes an individual in an
16 adoptive relationship within the 3rd degree.

17 **SECTION 100.** 155.10 (2) (a) of the statutes is amended to read:

18 155.10 (2) (a) Related to the principal by blood, marriage, or adoption, or the
19 state-registered domestic partner under ch. 770.05 of the individual.

20 **SECTION 101.** 155.30 (1) (form) of the statutes is amended to read:

21 155.30 (1) (form)

22 "NOTICE TO PERSON

23 MAKING THIS DOCUMENT

24 YOU HAVE THE RIGHT TO MAKE DECISIONS ABOUT YOUR HEALTH
25 CARE. NO HEALTH CARE MAY BE GIVEN TO YOU OVER YOUR OBJECTION,

1 AND NECESSARY HEALTH CARE MAY NOT BE STOPPED OR WITHHELD IF
2 YOU OBJECT.

3 BECAUSE YOUR HEALTH CARE PROVIDERS IN SOME CASES MAY NOT
4 HAVE HAD THE OPPORTUNITY TO ESTABLISH A LONG-TERM
5 RELATIONSHIP WITH YOU, THEY ARE OFTEN UNFAMILIAR WITH YOUR
6 BELIEFS AND VALUES AND THE DETAILS OF YOUR FAMILY
7 RELATIONSHIPS. THIS POSES A PROBLEM IF YOU BECOME PHYSICALLY
8 OR MENTALLY UNABLE TO MAKE DECISIONS ABOUT YOUR HEALTH CARE.

9 IN ORDER TO AVOID THIS PROBLEM, YOU MAY SIGN THIS LEGAL
10 DOCUMENT TO SPECIFY THE PERSON WHOM YOU WANT TO MAKE
11 HEALTH CARE DECISIONS FOR YOU IF YOU ARE UNABLE TO MAKE THOSE
12 DECISIONS PERSONALLY. THAT PERSON IS KNOWN AS YOUR HEALTH
13 CARE AGENT. YOU SHOULD TAKE SOME TIME TO DISCUSS YOUR
14 THOUGHTS AND BELIEFS ABOUT MEDICAL TREATMENT WITH THE
15 PERSON OR PERSONS WHOM YOU HAVE SPECIFIED. YOU MAY STATE IN
16 THIS DOCUMENT ANY TYPES OF HEALTH CARE THAT YOU DO OR DO NOT
17 DESIRE, AND YOU MAY LIMIT THE AUTHORITY OF YOUR HEALTH CARE
18 AGENT. IF YOUR HEALTH CARE AGENT IS UNAWARE OF YOUR DESIRES
19 WITH RESPECT TO A PARTICULAR HEALTH CARE DECISION, HE OR SHE IS
20 REQUIRED TO DETERMINE WHAT WOULD BE IN YOUR BEST INTERESTS IN
21 MAKING THE DECISION.

22 THIS IS AN IMPORTANT LEGAL DOCUMENT. IT GIVES YOUR AGENT
23 BROAD POWERS TO MAKE HEALTH CARE DECISIONS FOR YOU. IT
24 REVOKES ANY PRIOR POWER OF ATTORNEY FOR HEALTH CARE THAT YOU
25 MAY HAVE MADE. IF YOU WISH TO CHANGE YOUR POWER OF ATTORNEY

1 FOR HEALTH CARE, YOU MAY REVOKE THIS DOCUMENT AT ANY TIME BY
2 DESTROYING IT, BY DIRECTING ANOTHER PERSON TO DESTROY IT IN
3 YOUR PRESENCE, BY SIGNING A WRITTEN AND DATED STATEMENT OR BY
4 STATING THAT IT IS REVOKED IN THE PRESENCE OF TWO WITNESSES. IF
5 YOU REVOKE, YOU SHOULD NOTIFY YOUR AGENT, YOUR HEALTH CARE
6 PROVIDERS AND ANY OTHER PERSON TO WHOM YOU HAVE GIVEN A COPY.
7 IF YOUR AGENT IS YOUR SPOUSE OR STATE-REGISTERED DOMESTIC
8 PARTNER AND YOUR MARRIAGE IS ANNULLED OR YOU ARE DIVORCED OR
9 THE STATE-REGISTERED DOMESTIC PARTNERSHIP IS TERMINATED
10 AFTER SIGNING THIS DOCUMENT, THE DOCUMENT IS INVALID.

11 YOU MAY ALSO USE THIS DOCUMENT TO MAKE OR REFUSE TO MAKE
12 AN ANATOMICAL GIFT UPON YOUR DEATH. IF YOU USE THIS DOCUMENT
13 TO MAKE OR REFUSE TO MAKE AN ANATOMICAL GIFT, THIS DOCUMENT
14 REVOKES ANY PRIOR RECORD OF GIFT THAT YOU MAY HAVE MADE. YOU
15 MAY REVOKE OR CHANGE ANY ANATOMICAL GIFT THAT YOU MAKE BY
16 THIS DOCUMENT BY CROSSING OUT THE ANATOMICAL GIFTS PROVISION
17 IN THIS DOCUMENT.

18 DO NOT SIGN THIS DOCUMENT UNLESS YOU CLEARLY UNDERSTAND
19 IT.

20 IT IS SUGGESTED THAT YOU KEEP THE ORIGINAL OF THIS
21 DOCUMENT ON FILE WITH YOUR PHYSICIAN.”

22 **SECTION 102.** 155.30 (3) (form) of the statutes is amended to read:

23 155.30 (3) (form)

24 POWER OF ATTORNEY FOR HEALTH CARE

25 Document made this.... day of.... (month),.... (year).

1 CREATION OF POWER OF ATTORNEY
2 FOR HEALTH CARE

3 I,... (print name, address and date of birth), being of sound mind, intend by this
4 document to create a power of attorney for health care. My executing this power of
5 attorney for health care is voluntary. Despite the creation of this power of attorney
6 for health care, I expect to be fully informed about and allowed to participate in any
7 health care decision for me, to the extent that I am able. For the purposes of this
8 document, "health care decision" means an informed decision to accept, maintain,
9 discontinue or refuse any care, treatment, service or procedure to maintain, diagnose
10 or treat my physical or mental condition.

11 In addition, I may, by this document, specify my wishes with respect to making
12 an anatomical gift upon my death.

13 DESIGNATION OF HEALTH CARE AGENT

14 If I am no longer able to make health care decisions for myself, due to my
15 incapacity, I hereby designate.... (print name, address and telephone number) to be
16 my health care agent for the purpose of making health care decisions on my behalf.
17 If he or she is ever unable or unwilling to do so, I hereby designate.... (print name,
18 address and telephone number) to be my alternate health care agent for the purpose
19 of making health care decisions on my behalf. Neither my health care agent nor my
20 alternate health care agent whom I have designated is my health care provider, an
21 employee of my health care provider, an employee of a health care facility in which
22 I am a patient or a spouse of any of those persons, unless he or she is also my relative.
23 For purposes of this document, "incapacity" exists if 2 physicians or a physician and
24 a psychologist who have personally examined me sign a statement that specifically
25 expresses their opinion that I have a condition that means that I am unable to receive

1 and evaluate information effectively or to communicate decisions to such an extent
2 that I lack the capacity to manage my health care decisions. A copy of that statement
3 must be attached to this document.

4 GENERAL STATEMENT OF AUTHORITY GRANTED

5 Unless I have specified otherwise in this document, if I ever have incapacity I
6 instruct my health care provider to obtain the health care decision of my health care
7 agent, if I need treatment, for all of my health care and treatment. I have discussed
8 my desires thoroughly with my health care agent and believe that he or she
9 understands my philosophy regarding the health care decisions I would make if I
10 were able. I desire that my wishes be carried out through the authority given to my
11 health care agent under this document.

12 If I am unable, due to my incapacity, to make a health care decision, my health
13 care agent is instructed to make the health care decision for me, but my health care
14 agent should try to discuss with me any specific proposed health care if I am able to
15 communicate in any manner, including by blinking my eyes. If this communication
16 cannot be made, my health care agent shall base his or her decision on any health
17 care choices that I have expressed prior to the time of the decision. If I have not
18 expressed a health care choice about the health care in question and communication
19 cannot be made, my health care agent shall base his or her health care decision on
20 what he or she believes to be in my best interest.

21 LIMITATIONS ON MENTAL HEALTH TREATMENT

22 My health care agent may not admit or commit me on an inpatient basis to an
23 institution for mental diseases, an intermediate care facility for persons with mental
24 retardation, a state treatment facility or a treatment facility. My health care agent

1 may not consent to experimental mental health research or psychosurgery,
2 electroconvulsive treatment or drastic mental health treatment procedures for me.

3 ADMISSION TO NURSING HOMES OR
4 COMMUNITY-BASED RESIDENTIAL FACILITIES

5 My health care agent may admit me to a nursing home or community-based
6 residential facility for short-term stays for recuperative care or respite care.

7 If I have checked "Yes" to the following, my health care agent may admit me for
8 a purpose other than recuperative care or respite care, but if I have checked "No" to
9 the following, my health care agent may not so admit me:

10 1. A nursing home — Yes.... No....

11 2. A community-based residential facility — Yes.... No....

12 If I have not checked either "Yes" or "No" immediately above, my health care
13 agent may admit me only for short-term stays for recuperative care or respite care.

14 PROVISION OF A FEEDING TUBE

15 If I have checked "Yes" to the following, my health care agent may have a
16 feeding tube withheld or withdrawn from me, unless my physician has advised that,
17 in his or her professional judgment, this will cause me pain or will reduce my comfort.
18 If I have checked "No" to the following, my health care agent may not have a feeding
19 tube withheld or withdrawn from me.

20 My health care agent may not have orally ingested nutrition or hydration
21 withheld or withdrawn from me unless provision of the nutrition or hydration is
22 medically contraindicated.

23 Withhold or withdraw a feeding tube — Yes.... No....

24 If I have not checked either "Yes" or "No" immediately above, my health care
25 agent may not have a feeding tube withdrawn from me.

1 HEALTH CARE DECISIONS FOR
2 PREGNANT WOMEN

3 If I have checked “Yes” to the following, my health care agent may make health
4 care decisions for me even if my agent knows I am pregnant. If I have checked “No”
5 to the following, my health care agent may not make health care decisions for me if
6 my health care agent knows I am pregnant.

7 Health care decision if I am pregnant — Yes.... No....

8 If I have not checked either “Yes” or “No” immediately above, my health care
9 agent may not make health care decisions for me if my health care agent knows I am
10 pregnant.

11 STATEMENT OF DESIRES,
12 SPECIAL PROVISIONS OR LIMITATIONS

13 In exercising authority under this document, my health care agent shall act
14 consistently with my following stated desires, if any, and is subject to any special
15 provisions or limitations that I specify. The following are specific desires, provisions
16 or limitations that I wish to state (add more items if needed):

17 1) -

18 2) -

19 3) -

20 INSPECTION AND DISCLOSURE OF
21 INFORMATION RELATING TO MY PHYSICAL
22 OR MENTAL HEALTH

23 Subject to any limitations in this document, my health care agent has the
24 authority to do all of the following:

1 (a) Request, review and receive any information, oral or written, regarding my
2 physical or mental health, including medical and hospital records.

3 (b) Execute on my behalf any documents that may be required in order to obtain
4 this information.

5 (c) Consent to the disclosure of this information.

6 (The principal and the witnesses all must sign the document at the same time.)

7 SIGNATURE OF PRINCIPAL

8 (person creating the power of attorney for health care)

9 Signature.... Date....

10 (The signing of this document by the principal revokes all previous powers of
11 attorney for health care documents.)

12 STATEMENT OF WITNESSES

13 I know the principal personally and I believe him or her to be of sound mind and
14 at least 18 years of age. I believe that his or her execution of this power of attorney
15 for health care is voluntary. I am at least 18 years of age, am not related to the
16 principal by blood, marriage, or adoption, am not the state-registered domestic
17 partner under s. 770.05 of the principal, and am not directly financially responsible
18 for the principal's health care. I am not a health care provider who is serving the
19 principal at this time, an employee of the health care provider, other than a chaplain
20 or a social worker, or an employee, other than a chaplain or a social worker, of an
21 inpatient health care facility in which the declarant is a patient. I am not the
22 principal's health care agent. To the best of my knowledge, I am not entitled to and
23 do not have a claim on the principal's estate.

24 Witness No. 1:

25 (print) Name.... Date....

1 Address....

2 Signature....

3 Witness No. 2:

4 (print) Name.... Date....

5 Address....

6 Signature....

7 STATEMENT OF HEALTH CARE AGENT AND
8 ALTERNATE HEALTH CARE AGENT

9 I understand that.... (name of principal) has designated me to be his or her
10 health care agent or alternate health care agent if he or she is ever found to have
11 incapacity and unable to make health care decisions himself or herself. (name of
12 principal) has discussed his or her desires regarding health care decisions with me.

13 Agent's signature....

14 Address....

15 Alternate's signature....

16 Address....

17 Failure to execute a power of attorney for health care document under chapter
18 155 of the Wisconsin Statutes creates no presumption about the intent of any
19 individual with regard to his or her health care decisions.

20 This power of attorney for health care is executed as provided in chapter 155
21 of the Wisconsin Statutes.

22 ANATOMICAL GIFTS (optional)

23 Upon my death:

24 I wish to donate only the following organs or parts: (specify the organs or
25 parts).

1 I wish to donate any needed organ or part.

2 I wish to donate my body for anatomical study if needed.

3 I refuse to make an anatomical gift. (If this revokes a prior commitment that
4 I have made to make an anatomical gift to a designated donee, I will attempt to notify
5 the donee to which or to whom I agreed to donate.)

6 Failing to check any of the lines immediately above creates no presumption
7 about my desire to make or refuse to make an anatomical gift.

8 Signature.... Date....

9 **SECTION 103.** 155.40 (2) of the statutes is amended to read:

10 155.40 (2) If the health care agent is the principal's spouse or state-registered
11 domestic partner under s. 770.05 and, subsequent to the execution of a power of
12 attorney for health care instrument, the marriage is annulled or divorce from the
13 spouse is obtained or the state-registered domestic partnership under s. 770.07 is
14 terminated, the power of attorney for health care is revoked and the power of
15 attorney for health care instrument is invalid.

16 **SECTION 104.** 157.05 of the statutes is amended to read:

17 **157.05 Autopsy.** Consent for a licensed physician to conduct an autopsy on
18 the body of a deceased person shall be deemed sufficient when given by whichever
19 one of the following assumes custody of the body for purposes of burial: Father,
20 mother, husband, wife, child, guardian, next of kin, state-registered domestic
21 partner under s. 770.05, or in the absence of any of the foregoing, a friend, or a person
22 charged by law with the responsibility for burial. If 2 or more such persons assume
23 custody of the body, the consent of one of them shall be deemed sufficient.

24 **SECTION 105.** 157.06 (9) (a) 2. of the statutes is amended to read: